

SENATE BILL 1254

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 39-16-201, relative to contraband in penal institutions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-201, is amended by deleting the section in its entirety and by substituting instead the following:

(a) As used in this section, unless the context otherwise requires:

(1) "Penal institution" means penal institution as defined in § 39-16-601;

(2) "Prohibited objects" mean:

(A) Any weapons; ammunition; explosives; plans or materials that may be used in the making or manufacturing of weapons, explosives, or explosive devices; intoxicants; legend drugs; or any controlled substance analogues found in chapter 17, part 4 of this title;

(B) Any object or instrument intended or reasonably likely to be used in the planning or aiding in an escape from a penal institution;

(C) Any tobacco product;

(D) Any telecommunication device;

(E) Any object or instrument capable of producing fire, including lighters and matches; and

(F) Tattoo paraphernalia as defined in § 62-38-212(a); and

(3) "Telecommunication device" means any type of instrument, device, machine, or equipment that is capable of transmitting telephonic, electronic, digital, cellular or radio communications, or any part of such instrument, device, machine or equipment that is capable of facilitating the transmission of telephonic, electronic, digital, cellular or

radio communications. "Telecommunication device" includes, but is not limited to, cellular phones, digital phones and modem equipment devices. Excluded from this definition is any device having communication capabilities that has been approved by the facility head for investigative or institutional security purposes or for conducting other official business.

(b) It is an offense for any person to:

(1) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any prohibited objects, except as authorized by law or with permission of the facility head; or

(2) Knowingly possess any prohibited objects while present in any penal institution where prisoners are quartered or under custodial supervision except as authorized by law or with permission of the facility head.

(c) A violation of subdivision (b) with a prohibited object listed in subdivision (a)(2)(A) or (a)(2)(B) is a Class C felony. A violation of subdivision (b) with a prohibited object listed in subdivision (a)(2)(C) to (a)(2)(D) is a Class E felony.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.